

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-4179-2016 (O&M)

Date of decision: 03.10.2019

Mohinder Kumar (since deceased) thr. LRs

...Appellants

Versus

Krishan Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ravish Bansal, Advocate for the appellants.

Mr. Sandeep Jasuja, Advocate
for respondent Nos.1 & 2.

H.S. MADAAN, J. (Oral)

This is an appeal against judgment dated 24.02.2016, passed by Addl. District Judge, Fazilka in Civil Appeal No.60 of 2016 titled 'Savitri Devi and others Vs. Krishan Kumar and others', vide which the judgment and decree passed by the trial Court of Civil Judge (Jr. Divn.) Abohar granting relief of partition as well as permanent injunction to the plaintiffs was dismissed and in the process judgment and decree passed by the trial Court were affirmed.

I have heard learned counsel for the parties besides going through the record.

The impugned judgment and decree are certainly not happily worded and those seem to be result of non application of judicious mind.

Therefore, as agreed by counsel for the parties, the appeal is accepted and

the said judgment is set aside and the case is remanded to the Court of learned District Judge, Fazilka to decide the appeal afresh, after hearing learned counsel for the parties and going through the record minutely, giving detailed reasons for arriving at the conclusion. Learned District Judge, Fazilka would decide the appeal himself within a period of six months from the date of receipt of copy of this order in his Court. The parties through counsel are directed to appear there on 04.11.2019. The Registry is directed to send a copy of this order along with lower Court record to the Court of District Judge, Fazilka, at the earliest. It is clarified that District Judge, Fazilka is to decide Civil Appeal No.12 dated 12.10.2011 titled as 'Krishan Kumar and another Vs. Mohinder Kumar (since deceased) through LRs and others'

03.10.2019

sumit.k

**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No